
STATE OF IOWA DEPARTMENT OF

Health ^{AND} Human

SERVICES

Health Home Learning Collaborative

Court Commitments

9/26/2023

This training is a collaborative effort between the Managed Care Organizations and Iowa Medicaid

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Objectives

- Learn the Iowa Administrative Code sections for court ordered behavioral health and substance use disorder services.
- Understand the Managed Care Organizations (MCOs) contractual requirements regarding court ordered behavioral health and substance use disorder services.
- Become aware of the resources available for court commitments.
- Gain insight into member's rights and privileges under court commitments and the role of mental health advocates.

Types of court orders:

- Iowa Code Chapter 229: Hospitalization of Persons With Mental Illness
- Iowa Code Chapter 232: Juvenile Justice
 - Only used for members that are involved with Health and Human Services (HHS) child welfare or Juvenile Court Services (JCS), and adjudicated in Juvenile Court as a Child In Need of Assistance (CINA) or Delinquent
- Iowa Code Chapter 125: Substance Related Disorders

MCO Court Order Contract Language

Contract language includes Iowa Code sections 229, 125, and 232.51.

232.51 Disposition of child with mental illness.

1. If the evidence received at an adjudicatory or a dispositional hearing indicates that the child is mentally ill, the court may direct the juvenile court officer or the department to initiate proceedings or to assist the child's parent or guardian to initiate civil commitment proceedings in the juvenile court and such proceedings in the juvenile court shall adhere to the requirements of [chapter 229](#).

2. *a.* If prior to the adjudicatory or dispositional hearing on the pending delinquency petition, the child is committed as a child with a mental illness and is ordered into a residential facility, institution, or hospital for inpatient treatment, the delinquency proceeding shall be suspended until such time as the juvenile court either terminates the civil commitment order or the child is released from the residential facility, institution, or hospital for purposes of receiving outpatient treatment.

b. During any time that the delinquency proceeding is suspended pursuant to this subsection, any time limits for speedy adjudicatory hearings and continuances shall be tolled.

c. This subsection shall not apply to waiver hearings held pursuant to [section 232.45](#).

[C79, 81, §**232.51**]

[83 Acts, ch 186, §10055, 10201; 86 Acts, ch 1186, §5; 96 Acts, ch 1129, §62; 2011 Acts, ch 10, §1; 2012 Acts, ch 1019, §85, 86; 2013 Acts, ch 130, §31, 35](#)

Referred to in [§229.26](#)

Service Alternatives

- Court Ordered Member not meeting Medical Necessity Criteria
 - MCO's can issue an adverse determination with the development of service alternatives for the member.
- Service alternatives are specific, effective, available, and accessible mental health services and supports that can meet the member's needs in a lower level of care.
- MCO case management teams work with the provider, the member, and the member's guardian on developing the service alternatives plan.

How to Commit

- [Committments | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/commitments)
- Court Forms: [Court Forms | Iowa Judicial Branch \(iowacourts.gov\)](https://www.iowacourts.gov/court-forms)

Member Rights with Commitment

- Patient Rights, 229.23 Rights and Privileges of Hospitalized Persons
- Mental health advocate role 229.19 Advocates — appointment-duties-employment and compensation

Questions